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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,394	12/01/2000	James F. Loughrey	4502-001	1287

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EXAMINER

LEE, WILSON

ART UNIT PAPER NUMBER

2821

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,394

Applicant(s)

LOUGHREY, JAMES F.

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Double Patenting

Claim 28 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Objections

Claims 30, 31, 37, 38 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The limitations "without using a silicon-controlled rectifier" and "without using a choke" are already included in Claims 28 and 32.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-27, 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 2-14, 25-27, "The fixture" and "said light fixture" lack antecedent basis. There is no fixture found in Claim 1.

Art Unit: 2821

Regarding Claims 6-8, the plurality of light source sockets is not consistent with the singular socket of claim 1.

Regarding Claims 15 and 23, "said light fixture" lack antecedent basis.

Claims 16-24 are indefinite by virtue of their dependency on claim 15.

Regarding Claims 29-31, "The light fixture" and "The fixture" lack antecedent basis.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-19, 21-33, 35-39, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Lys et al. (6,528,954).

Regarding Claim 1, Lys discloses a self-contained computerized variable intensity light bulb (See Figure 21 and Col. 30, lines 26-53) comprising:

- a plurality of light sources (644);
- a power source connector (646) having a standard light bulb base for connecting the computerized variable intensity light bulb (See abstract) to a standard light bulb socket as a power source (See Figure 21); and

Art Unit: 2821

- a computerized light control (See Figures 1 and 10) connected to, and integrated with, the power source connector (646) for receiving power and connected to the plurality of the light sources (644) for providing power to the light sources (644) without using a filter, a phased-fired SCR, a choke and an amplifier.

Regarding Claim 2, Lys discloses that the light sources are LEDs (644) (See Figure 21).

Regarding Claims 3 and 4, Lys discloses that the light control comprises a computer (e.g. micro-processor) (See Figures 1 and 10).

Regarding Claim 5, Lys discloses that the light control is networkable (See Figure 2).

Regarding Claim 6, Lys discloses two sockets (14) of LEDs (120).

Regarding Claim 8, Lys discloses that the control the single feed power (from 646) provided to each of the LEDs (644) by turning on and off (by transistors 26) individually each one of the plurality of light source sockets (14) (See Figure 6 and Col. 12, lines 1-8).

Regarding Claim 9, Lys discloses that the light control (e.g. 16) is adapted to send and receive signals (e.g. send signals to the light sources 120 and receive signals from data).

Regarding Claim 10, Lys discloses that the sent and received signals comprise control signals (e.g. illumination controlled) (See Col. 9, lines 38 to Col. 10, line 35).

Regarding Claim 11, Lys discloses that the received signals comprises commands to control the light control (e.g. color changes, illumination control, etc.) (See Col. 6, lines 43-61).

Regarding Claim 12, Lys discloses that the sent signals comprise commands to control another light control (See Figure 2).

Regarding Claim 13, Lys discloses that the light bulb is an individual connectable replacement for an existing light source (See Figure 21 and Col. 39, lines 40-45).

Regarding Claim 14, Lys discloses that the light bulb comprises a single screw-in replacement element (thread base) (See Col. 39, lines 40-45).

Regarding Claim 15, Lys discloses a method of modifying a light output level of a self-contained computerized variable intensity light bulb having a plurality of light source sockets, for example, the sockets (14) of LEDs (120 or 644) that plug to the circuit board shown in Figures 4-6), light sources (120 or 644) connected to the light sockets (14) (See Figure 6) and a computerized light control (16) connected to each of the plurality of light source sockets for controlling individually each one of the plurality of light source sockets (See Col. 12, lines 1-8), the method comprising the steps of:

- receiving a signal to modify the light output level of the light bulb (See abstract and Figures 1 and 2); and
- individually activating or deactivating one or more of the plurality of light source sockets in response to the received signal to modify the light

Art Unit: 2821

output level of the light bulb without using a filter, a phase-fired SCR, a choke, and an amplifier (See Col. 11, line 43 to Col. 12, line 8).

Regarding Claims 16 and 17, Lys discloses that the light control comprises a computer (e.g. micro-processor) (See Figures 1 and 10).

Regarding Claim 18, Lys discloses that the light control is networkable (See Figure 2).

Regarding Claim 19, Lys discloses that the plurality of sockets is two or more light source sockets (See Figures 4-6).

Regarding Claim 21, Lys discloses that the step of individually activating or deactivating comprises individually turning on and off (by transistors 26) one or more of the plurality of light source sockets (14) (See Figure 6 and Col. 12, lines 1-8).

Regarding Claim 22, Lys discloses that the received signals is received from a network (See Figure 2).

Regarding Claim 23, Lys discloses that the step of sending a signal indicative of the status of the light bulb (See Col. 27, lines 36-45).

Regarding Claim 24, Lys discloses that the step of sending a signal indicative of the status of the plurality of light source sockets through each drivers (26) (See Col. 27, lines 36-45 and Figure 6).

Regarding Claim 25, Lys discloses that the light bulb is a replacement for a light source (e.g. conventional halogen or incandescent bulb, connected through the thread base) (See Col. 39, lines 40-45).

Art Unit: 2821

Regarding Claim 26, Lys discloses that the light bulb is uniquely addressable on a network (See Figure 2).

Regarding Claim 27, Lys discloses that the light bulb is networkable with another light bulb (See Figure 2).

Regarding Claims 28, 30, 31, Lys discloses a self-contained, computerized, variable light output level light bulb comprising:

- a plurality of light sources (644);
- a power source connector (646) having a standard light bulb base for connecting the computerized variable intensity light bulb (See abstract) to a standard light bulb socket as a power source (See Figure 21); and
- a computerized light control (See Figures 1 and 10) connected to, and integrated with, the power source connector (646) for receiving power and connected to the plurality of the light sources (644) for providing power to the light sources (644), wherein the light controls the light output level without using a filter, a phased-fired SCR, a choke and an amplifier.

Regarding Claim 29, Lys discloses that the plurality of light sources is a plurality of filaments (e.g. each LEDs 644 has at least one filament, therefore, the light sources 644 comprise a plurality of filaments).

Regarding Claims 32, 37, 38, Lys discloses a self-contained, computerized, variable light output level light source comprising:

- a plurality of controllable filaments (e.g. the filaments of LEDs 644);

Art Unit: 2821

- a power source connector (646) having a standard light bulb base for connecting the computerized variable intensity light bulb (See abstract) to a standard light bulb socket as a power source (See Figure 21); and
- a computerized light control (See Figures 1 and 10) connected to, and integrated with, the power source connector (646) for receiving power and connected to the plurality of the controllable filaments (the filaments of LEDs 644), wherein the light control controls each of the plurality controllable filaments (e.g. each filament of the LEDs 644) without using a filter, a phased-fired SCR, a choke and an amplifier.

Regarding Claim 33, Lys discloses that the plurality of controllable filaments is two or more filaments since each LED (644) has one filament. A plurality of LEDs has at least two or more filaments (See Figures 4-6).

Regarding Claim 35, Lys discloses that each of plurality of controllable filaments (e.g. the LEDs) is individually controllable by the light control (See Figure 6 and Col. 12, lines 1-8).

Regarding Claim 36, Lys discloses that the light bulb is a replacement for an existing light source (e.g. conventional halogen or incandescent bulb, connected through the thread base) (See Col. 39, lines 40-45).

Regarding Claim 39, Lys discloses that the light source is connectable to a standard light source socket (through thread base) (See Col. 39, lines 40-45).

Claim Rejections 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2821

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7, 20 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lys et al. (6,528,954).

Regarding Claims 6, 7, 20 and 34, as discussed above, Lys essentially discloses the claimed invention but fails to explicitly disclose that there are 256 light source sockets or filaments. However, since Lys does not limit the number of sockets and filaments, the implementation of such number (e.g. 256) of the light sources [sockets] or filaments is not restricted. It would have been obvious to one of ordinary skill in the art to use any number of sockets or filaments, such as 256, in Lys in order to render desired illumination or desired illuminated coverage. In addition, it is held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (703) 306-3426.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Art Unit: 2821

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

A handwritten signature in cursive script, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee
Patent Examiner
U.S. Patent & Trademark Office

WL
4/7/03